

PROB 12B
(7/93)


UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

OCT 19 2017

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender***(Probation Form 49, Waiver of Hearing is Attached)*Name of Offender: Mark Joseph Uhlenbrock Case Number: 5:16-CR-00389-XR(1)Name of Sentencing Judicial Officer: Honorable Xavier Rodriguez, United States District JudgeDate of Original Sentence: September 28, 2016Original Offense: Stalking, in violation of 18 U.S.C. § 2261A(2)(B)Original Sentence: 41 months imprisonment followed by 3 years supervised release, \$1,685.48 restitution
and \$100.00 special assessmentType of Supervision: Supervised ReleaseDate Supervision Will
Commence:October 28, 2018**PREVIOUS COURT ACTION**

None.

PETITIONING THE COURT☐ To extend the term of supervision __ years, for a total of __ years.☒ To modify the conditions of supervision as follows:

You must allow the probation officer to install computer monitoring software on any computer [as defined in 18 U.S.C. § 1030(e)(1)], or other electronic communications or data storage devices or media, to a search.

You must submit your computers [as defined in 18 U.S.C. § 1030(e)(1)], or other electronic communications or data storage devices or media, to a search.

You must not possess and/or use computer [as defined in 18 U.S.C. § 1030(e)(1)], or other electronic communications or data storage devices or media without approval of the probation office.

You must warn any other people who use these computer or devices capable of accessing the Internet that the devices may be subject to searches pursuant to this condition. A probation officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violations of a condition of supervision and that the computer or device contains evidence of this violation. Any search will be conducted at a reasonable time and in a reasonable manner.

Mark Joseph Uhlenbrock
5:16-CR-00389-XR(1)
October 16, 2017
Page 2

You must not possess or use any audio/visual recording or producing equipment at any location without the written approval of the probation office. If approval is given, you must consent to the probation office or probation service representative conducting unannounced examinations, including retrieval and copying of all data related to the equipment.

You must not have direct contact with any child you know or reasonably should know to be under the age of 18, including your own children, without the permission of the probation officer. If you do have any direct contact with any child you know or reasonable should know to be under the age of 18, including your own children, without the permission of the probation officer, you must report this contact to the probation officer within 24 hours. Direct contact includes written communication, in-person communication, or physical contact. Direct contact does not include incidental contact during ordinary daily activities in public places.

You must not access the Internet except for reasons approved in advance by the probation officer.

You must not view or possess any "visual depiction" (as defined in 18 U.S.C. § 2256), including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of "sexually explicit conduct" (as defined in 18 U.S.C. § 2256).

You must not purchase or maintain a post office box, any other type of private mail box or any type of storage locker, unit or facility without written approval of the probation office.

You must advise the probation office of all computer, electronic equipment, and web enabled equipment, including cell phones, to which he possesses or has access within 24 hours of obtaining same.

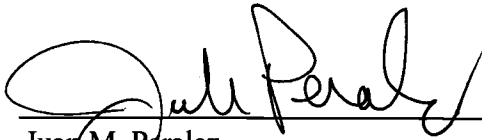
CAUSE

On September 28, 2016, Mr. Uhlenbrock was sentenced to 41 months imprisonment followed by 3 years supervised release, \$1,685.48 restitution, and \$100.00 special assessment. The offender is currently serving the term of imprisonment at FCI Forest City. His projected release date from custody is October 28, 2018.

On September 14, 2017, Mr. Uhlenbrock submitted a release plan to reside with his son, Evan Uhlenbrook, at 1724 Blue Oak, Chesterfield, Missouri. The Eastern District of Missouri Probation Office completed an investigation of this residence and approved it as a release address. The Eastern District of Missouri Probation Office has agreed to supervise the offender upon his release, with the stipulation that he agree to modify his conditions of supervision to include sex offender specific conditions. On October 3, 2017, Mr. Uhlenbrock was given an opportunity to review the additional conditions of supervision and he agreed to abide by them as evident in the attached Prob 49. The probation officer is respectfully recommending that the Court modify the conditions of supervision as requested by the Eastern District of Missouri Probation Office.

Mark Joseph Uhlenbrock
5:16-CR-00389-XR(1)
October 16, 2017
Page 3

Approved:



Juan M. Perez
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5366

Respectfully submitted,



Hector Medina
Senior U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5325
Date: October 16, 2017

cc: Sarah Wannarka
Assistant U.S. Attorney

Marc S. Martinez
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ None.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other _____



Honorable Xavier Rodriguez
U.S. District Judge

10-19-17

Date

PROB 49
(3/89)

**United States District Court
Western District of Texas**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision.

You must allow the probation officer to install computer monitoring software on any computer [as defined in 18 U.S.C. § 1030(e)(1)], or other electronic communications or data storage devices or media, to a search.

You must submit your computers [as defined in 18 U.S.C. § 1030(e)(1)], or other electronic communications or data storage devices or media, to a search.

You must not possess and/or use computer [as defined in 18 U.S.C. § 1030(e)(1)], or other electronic communications or data storage devices or media without approval of the probation office.

You must warn any other people who use these computer or devices capable of accessing the Internet that the devices may be subject to searches pursuant to this condition. A probation officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violations of a condition of supervision and that the computer or device contains evidence of this violation. Any search will be conducted at a reasonable time and in a reasonable manner.

You must not possess or use any audio/visual recording or producing equipment at any location without the written approval of the probation office. If approval is given, you must consent to the probation office or probation service representative conducting unannounced examinations, including retrieval and copying of all data related to the equipment.

You must not have direct contact with any child you know or reasonably should know to be under the age of 18, including your own children, without the permission of the probation officer. If you do have any direct contact with any child you know or reasonable should know to be under the age of 18, including your own children, without the permission of the probation officer, you must report this contact to the probation officer within 24 hours. Direct contact includes written communication, in-person communication, or physical contact. Direct contact does not include incidental contact during ordinary daily activities in public places.

Mark Joseph Uhlenbrock
5:16-CR-00389-XR(1)
Page 2

You must not access the Internet except for reasons approved in advance by the probation officer.

You must not view or possess any "visual depiction" (as defined in 18 U.S.C. § 2256), including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of "sexually explicit conduct" (as defined in 18 U.S.C. § 2256).

You must not purchase or maintain a post office box, any other type of private mail box or any type of storage locker, unit or facility without written approval of the probation office.

You must advise the probation office of all computer, electronic equipment, and web enabled equipment, including cell phones, to which he possesses or has access within 24 hours of obtaining same.

Witness: M. J. Uhlenbrock

Signed: M. J. Uhlenbrock

Probationer or Supervised Releasee

10-18-17

Date